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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/077,603 06/02/98 WEEKS

R 36-1225

EXAMINER

WM01/1228

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PARTIAL

ART UNIT

PAPER NUMBER

2171

DATE MAILED:

12/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/077,063

Applicant(s)

Weeks

Examiner

Thuy Pardo

Group Art Unit
2171



☒ Responsive to communication(s) filed on Oct 10, 1900

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3 and 6-8 is/are rejected.

☒ Claim(s) 4, 5, and 9-13 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 07

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. Applicant's Amendment filed on October 10, 2000 in response to Examiner's Office Action has been reviewed. Claims 11-13 have been added.
2. Claims 1-10 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-8 are rejected under 35 U.S.C. § 103 as being unpatentable over **Ahn** patent no. 5,848,409, in view of **Turtle** patent no. 5,418,948.

5. As to claim 7, Ahn teaches the invention substantially as claimed, the method including the steps of :

receiving, as input, a data set to be summarized [identified document containing occurrences of keywords, ab; col. 3, lines 34-46];

dividing said data set [group A and group B, see fig.1] into sections according to predetermined criteria [dividing a group of documents into the group's index table, col. 2, lines 41-48; col. 3, lines 61 to col. 4, lines 5; col. 4, lines 16-21];

comparing data items in each said section against one or more target data items [608-612; col. 5, lines 1-24];

compiling a customized summary of said data set by selecting one or more of said one or more sections [inherent in the system since Ahn teaches the feature of presenting the hit information to a user, 616 of fig. 6; col. 5, lines 25-31].

However, Ahn does not explicitly teach calculating a ranking value for each said section on dependence upon the outcome of the respective said comparisons although it has the same functionality. Turtle teaches calculating a ranking value for each said section on dependence upon the outcome of the respective said comparisons [132 of fig. 9; 162 of fig. 10].

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add teachings of Ahn to the system of Turtle as an efficient means to arrange the outcome in a rank because it would be easier for the user to select the most relevant target documents from the outcomes.

6. Claim 1 is a corresponding apparatus claim of claim 7; therefore, it is rejected under the same rationale.

7. As to claim 2, Ahn and Turtle teach the invention substantially as claimed. Ahn further teaches a user input for entering target data items [keyword, col. 2, lines 24-28].

8. As to claims 3 and 8, Ahn and Turtle teach the invention substantially as claimed. Ahn further teaches means for identifying one or more key data items in each said section [”maybe”, “glass” key data items, fig. 4]. Turtle further teaches calculating means operable for each said section to calculate one or more distribution values, each said distribution value representing a different pre-determined measure of the distribution, in said data set, of key data items identified in the said section according to a pre-determined stop list [remove stopwords, 54, 42, 44 of fig. 4]; and adjustment means for adjusting said ranking value for each said section according to the respective said one or more distribution values [inherent in the system since it has a feature of adding a loop of substitute phrase to the list of keywords, 116-134 of fig. 9; 58 of fig. 4].

9. As to claim 6, Ahn and Turtle teach the invention substantially as claimed. Turtle further teaches wherein said selecting means are arranged to compile a summary having a pre-defined length by selecting, in order of decreasing rank, as determined by the corresponding ranking value, one or more of said one or more sections, beginning with the highest ranked section, and adding each selected section to the summary until the summary has attained said pre-defined length [col. 15, lines 40 to col. 16, lines 2].

Allowable Subject Matter

10. Claims 4, 5, 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. As to claims 4 and 9, calculating means are operable to calculate a first distribution value for each said section, said first distribution value representing a measure of the number of sections of said data set, other than the said section, containing key data items of the said section, said first distribution value, as calculated for the said section, being proportional to the sum of the values of said measure of the number of sections determined for each key data item of the said section, taken together with other limitations of claims 1 and 3, or 7 and 8 was not disclosed by the prior art of record.

Claims 11-13 being further limiting to claims 4 and 9 respectively are also objected to.

12. As to claims 5 and 10, calculating means are operable to calculate a second distribution value for each said section, said second distribution value representing a measure of the separation between the first occurrence within said data set of each key data item of the said section and the respective last occurrence, said second distribution value, as calculated for the said section, being proportional to the sum of the values of said measure of separation determined for each key data item of the said

section, taken together with other limitations of claims 1 and 3, or 7 and 8 was not disclosed by the prior art of record.

13. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new grounds of rejection.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached at (703) 305-9707. The fax phone number for this Group is (703) 308-5403.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

15. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

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Art Unit: 2771

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(703) 308-5359, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,

Sixth Floor (Receptionist).



Thuy Pardo
December 21, 2000



WAYNE AMSBURY
PRIMARY PATENT EXAMINER